CRLA No. 346 of 2004
(Old No. 3261 of 1985)

Hon. P.C. Pant, J.

None present for the appellant, even in the second call.

This appeal is preferred under Section 449 of the Code of Criminal Procedure, 1973, by the surety against the order dated 08.07.1985, passed by the court below, under Section 446 of the Cr.P.C. for recovery of Rs. 15,000/- mentioned in the surety bond, after the same is forfeited.

There appears no illegality in the impugned order dated 08.07.1985, passed by the Addl. District Magistrate (Admn.), Saharanpur.

It appears that earlier also, this appeal was dismissed for non-prosecution on 08.04.2004, by the Allahabad High Court, where this appeal was initially filed in the year 1985. However, the said order appears to have been recalled on 20.04.2004, by the said Court (Allahabad High Court). Thereafter, vide order dated 05.07.2004, observing that since the matter relates to police station Roorkee, District Haridwar, this appeal is transferred to this Court.

In the above circumstances, the appeal is dismissed.

Interim order dated 06.12.1985, stands automatically vacated.

Registry to inform the court concerned.

(P.C. Pant, J.)
19.10.2006

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